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ATTORNEY DOCKET NO. 129843.1022  
Customer No. 60148

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TRANSMITTAL LETTER  
Serial No. 09/970,389

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail Certificate Under 37 C.F.R. § 1.10  
"EXPRESS MAIL" MAILING LABEL NUMBER: EL 994557262 US  
DATE OF DEPOSIT: December 28, 2006

I, Stella E. Laicer, hereby certify that this paper (along with any papers and fees referred to as being attached or enclosed or actually enclosed) is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above, with sufficient postage, and is addressed as follows:

MAIL STOP Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Signature of person mailing paper

In re Application of: Donald J. Merkley et al.  
Serial No.: 09/970,389  
Filing Date: October 2, 2001  
Group Art Unit: 1731  
Examiner: Mark Halpern  
For: Method and Apparatus for Reducing  
Impurities in Cellulose Fibers for  
Manufacture of Fiber Reinforced  
Cement Composite Materials

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF AMENDMENT AND RESPONSE  
TO OFFICE ACTION MAILED SEPTEMBER 28, 2006

ATTORNEY DOCKET NO. 129843.1022  
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TRANSMITTAL LETTER  
Serial No. 09/970,389

Dear Sir:

Enclosed are:

- a postcard acknowledgment of receipt of papers by the Patent Office;
- this Transmittal Sheet (3 pgs.);
- Amendment and response to Office Action mailed September 28, 2006 (13 pgs.);

Please return the acknowledgment postcard.

						LARGE ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER  PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDITIONAL FEE
Total Claims	24	Minus	67	0		\$50=	\$0
Independent Claims	4	Minus	6	0		\$200=	\$0
						TOTAL ADDIT. FEE	\$0

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TRANSMITTAL LETTER  
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No fees are believed to be due at this time. To the extent that any further fees, whatsoever, are required at any time during prosecution of this application, including petition and extension fees, the Commissioner is hereby authorized to charge payment of any additional fees, including any under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP (Dallas) and reference Attorney Docket No. 129843.1022. Please credit any overpayments to this same Deposit Account.

Please direct all correspondence to the practitioner listed below at Customer No. 60148.

Respectfully submitted,



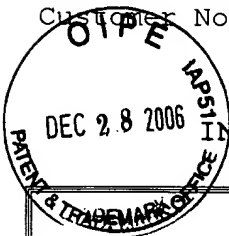
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ATTORNEY/AGENT FOR APPLICANT  
December 28, 2006

Attorney No. HARD1.015A (129843-1022)  
Customer No. 60148

AMENDMENT AND RESPONSE  
APPLICATION NO. 09/970,389

1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAIL STOP Amendment  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Stella E. Laicer

Signature of person mailing paper

Printed name of person mailing paper

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

#### AMENDMENT

Dear Sir:

Applicants submit this Amendment and respectfully requests entry and consideration of the remarks provided with this paper.

This Amendment is filed in reply to an Office Action mailed September 28, 2006, that established a three-month shortened statutory time period to respond. Applicants submit that this response is timely filed.

In response to the Office Action, please reconsider the above-identified Application as provided in

**Amendments to the Specification** that begin on page 3;

**Amendments to the Claims** that begin on page 5;

**Remarks** that begin on page 9; and

**Conclusion** begins on page 12 of this paper.